**NHS Derby and Derbyshire**

**Integrated Care Board**

**Standards of Business Conduct Policy**

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| **KEY MESSAGES** |
| 1. Outlines the standards of business conduct to be followed by all employees of the ICB. |
| 1. Ensures that the interests of patients and public funds are put first. |
| 1. Everything done by those who work in the ICB must be able to stand the test of parliamentary scrutiny, public judgments on propriety and professional codes of conduct. |

**VERSION CONTROL**

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| **Supersedes:** | Standards of Business Conduct and Managing Conflicts of Interest Policy for NHS Derby and Derbyshire CCG |
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| **Reference Number** | CD25 |
| **Target Audience** | ICB approved policies apply to all employees, contractors, volunteers, and others working with the ICB in any capacity. Compliance with ICB policy is a formal contractual requirement and failure to comply with the policy, including any arrangements which are put in place under it, will be investigated and may lead to disciplinary action being taken. |

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1. Introduction
   1. It is a long established principle that all public sector bodies including the NHS must be impartial and honest in the conduct of their business and that their employees should remain beyond suspicion of fraud and corruption. All corrupt business activity is therefore contrary to the NHS Derby and Derbyshire Integrated Care Board (the "ICB") values and will not be tolerated. Moreover, since the NHS is publicly funded, the ICB must be accountable to NHS England and NHS Improvement (NHSEI) for the services it provides and for the effective and economical use of taxpayers’ money.
   2. This policy is based on the standards set out in the ‘Nolan Principles on Conduct in Public Life’. It should be read in conjunction with the ICB's Constitution and Standing Orders, and must be regarded as an integral part of the ICB’s Standing Financial Instructions. The provisions of these must be observed at all times.
2. Purpose

The purpose of this policy is to ensure that the overall business interests of the ICB, and thereby the best interests of patients, are not prejudiced by individual employees' personal interests. This policy outlines the standards of business conduct to be followed by all employees of the ICB and provides specific guidance in respect of those areas of activity where there might be particular concerns.

1. Scope
   1. This policy is mandatory and applies to all employees (permanent, seconded, contractors, management and clinical trainees, apprentices, temporary staff and volunteers) of the ICB, including ICB Board and Committee members. It also applies to ICB employed staff who carry out work within another organisation’s premises. These are collectively referred to as ‘individuals’ hereafter. Compliance with ICB policy is a formal contractual requirement.
   2. The guiding principles within paragraph 8 of this policy comprise:
      1. gifts, hospitality, sponsored events and sponsorship;
      2. conflicts of interest;
      3. procurement;
      4. contracting;
      5. secondary employment;
      6. preferential treatment in private transactions;
      7. private use of equipment and materials; and
      8. relatives of directors or officers.
   3. In all these areas the guiding principles are to ensure that the interests of patients and public funds are put first. Individuals should seek advice from their Line Manager if they are in any doubt about a particular situation.
   4. In the event of an infection outbreak, pandemic or major incident, the ICB recognises that it may not be possible to adhere to all aspects of this document. In such circumstances, individuals should take advice from their Line Manager.
2. Definitions

"Bribery"

means giving or receiving a financial or other advantage in connection with the "improper performance" of a position of trust, or a function that is expected to be performed impartially or in good faith;

"Conflict of Interest"

is defined as “a set of circumstances by which a reasonable person would consider that an Individual’s ability to apply judgement or act, in the context of delivering, commissioning, or assuring taxpayer funded health and care services is, or could be, impaired or influenced by another interest they hold” (NHS England, 2024).

"Gift"

means any item of cash or goods, or any service, which is provided for personal benefit, free of charge or at less than its commercial value;

“Procurement”

means the process of finding and agreeing to terms, and acquiring goods, services, or works from an external source, often via a tendering or competitive bidding process;

1. Legislation

Bribery Act 2010

* + 1. The Bribery Act 2010 replaced fragmented and complex offences at common law and in the Prevention and Corruption Acts 1889–1916. The Act creates five basic offences:
       1. bribing another person with the intention of inducing that person to perform a relevant function or activity improperly or to reward that person for doing so;
       2. accepting a bribe with the intention that a relevant function or activity should be performed improperly as a result;
       3. bribing a foreign public official;
       4. a director, manager or officer of a commercial organisation allowing or turning a blind eye to bribery within the organisation; and
       5. failing to prevent bribery – where a person (including employees, agents and external third parties) associated with a relevant commercial organisation bribes another person intending to obtain or retain a business advantage. This is a strict liability offence which can be committed by the organisation unless it can show in it its defence that it had adequate procedures in place to prevent bribery.
    2. Anyone working within a healthcare organisation (including the private sector) can be prosecuted for taking or offering a bribe. There is no maximum level of fine that can be imposed and anyone convicted of an offence could be imprisoned for up to 10 years.
    3. All individuals should be aware, therefore, that breaking the provisions of the Act renders them liable to prosecution and may also lead to termination of their employment and loss of NHS pension rights. Appendix 1 provides a summary of the key issues to be considered by all individuals.
    4. Individuals may report any concerns or allegations in complete confidence in line with the provisions of the ICB’s Raising Concerns at Work (Whistleblowing) Policy, through the ICB’s Local Counter Fraud Specialist, Matt Treharne-Clarke on 07990 084824 or [matt.treharne-clarke@nhs.net](mailto:matt.treharne-clarke@nhs.net). Alternatively individuals can report their suspicions to the Chief Finance Officer, Conflicts of Interest Guardian, Freedom to Speak Up Guardian and Ambassadors, or to the NHS Counter Fraud Authority on the Fraud and Corruption reporting line: 0800 028 40 60 or online at [www.cfa.nhs.uk/report-fraud](http://www.cfa.nhs.uk/report-fraud). All reports are treated with complete confidence and individuals are protected under the Public Interest Disclosure Act 1998.

1. Public Service Values

The NHS Code of Conduct[[1]](#footnote-1) defines three crucial public service values which must underpin the work of the Health Service, namely:

Accountability

Everything done by those who work in the NHS must be able to stand the test of parliamentary scrutiny, public judgments on propriety and professional codes of conduct.

Probity

Individuals should have an absolute standard of honesty in dealing with the assets of the NHS; integrity should be the hallmark of all personal and professional conduct in decisions affecting patients, colleagues and suppliers and in the use of information acquired in the course of NHS duties.

Openness

There should be sufficient transparency about NHS activities to promote confidence between individuals, patients and the public.

1. Responsibilities/Accountabilities

Chief Executive Officer

The Chief Executive Officer:

* + 1. is the ICB’s designated ‘Accountable Officer’ and has overall responsibility for ensuring the ICB operates efficiently, economically and with probity;
    2. has overall responsibility for ensuring that the ICB has effective Standing Orders and Standing Financial Instructions and that these are made available to all individuals that require them; and
    3. has overall responsibility for the implementation and operation of this policy.

Chief of Staff

The Chief of Staff will ensure that the:

* + 1. registers of interests, including declarations of interests; gifts, hospitality, sponsored events and sponsorship; and procurement are kept and maintained by the ICB. Information contained within these registers is also available to interested parties of the general public and to the ICB's auditors (both internal and external) and Counter Fraud function;
    2. contracts of employment for all new employees contain the guidance given at Appendix 1 of the policy. In addition, the contract shall contain a clause stating that failure to declare an interest may result in disciplinary action or criminal prosecution; and
    3. the ICB's Functions and Decisions map, found in the ICB Constitution, is maintained and kept up to date by the Corporate Delivery Team and finance colleagues.

Chief Finance Officer

The Chief Finance Officer will ensure that appropriate financial procedures are written and distributed to all individuals that require them to perform their financial duties.

Audit and Governance Committee

The Audit and Governance Committee will review key areas of risk and will investigate thoroughly when indications of fraud or corruption are found, with support from the Counter Fraud Specialist.

Directors and Managers

* + 1. All ICB Directors and Managers are responsible for assisting individuals in complying with this policy by ensuring:
       1. a copy of this policy, Standing Financial Instructions and the ICB Functions and Decisions Map are available to all individuals;
       2. that where a conflict of interest is made known to the manager, or where the manager has a conflict of interest, precise details of such interests are recorded in writing on the Declaration of Interests Form and sent to the Corporate Governance Manager for entry in the ICB's register of interests;
       3. when gifts, hospitality, sponsored events and sponsorship is accepted or declined a gifts and hospitality form (including sponsorship and events) is completed and sent to the Corporate Governance Manager for entry in the ICB's relevant register;
       4. that where attempts to compromise individuals have been made by external agencies, the facts are reported to the Chief Finance Officer, who will arrange for appropriate action to be taken;
       5. compliance with the Health Care Services (Provider Selection Regime) Regulations 2023 and the ICB's Procurement Policy; where they or any individual is in contact with suppliers and contractors, including external consultants. Areas of particular concern relate to those individuals who are authorised to sign purchase orders, place contracts for goods or services and key decision makers/stakeholders in procurements and tenders.
    2. Work to counter fraud, bribery and corruption is a core management responsibility which is contracted to the ICB's Counter Fraud function overseen by the Chief Finance Officer and NHS Counter Fraud Authority, which will be reflected in job descriptions and through the appraisal process.

All ICB Employees

* + 1. All ICB employees must read and comply with the Summary of Staff Responsibilities Relating to Standards of Business Conduct (Appendix 1). In particular, individuals are expected to:
       1. ensure that the interests of patients remain paramount at all times;
       2. be impartial and honest in the conduct of their official business;
       3. use public funds entrusted to them to the best advantage of the service, always ensuring efficiency, economy and effectiveness;
       4. declare interests on an annual basis or whenever their circumstances change.
    2. Individuals must not:
       1. abuse their official position for personal gain or to benefit their family or friends; and
       2. seek to advantage or further private business or other interests in the course of their official duties.
    3. Any employee who breaches this policy may face disciplinary action, which could result in dismissal for gross misconduct. The ICB reserves the right to terminate its contractual relationship with other workers not directly employed by the ICB but contracted to a third party, if they breach this policy. Any breach of this policy may also affect individual professional registration.
    4. All ICB employees must also comply with the Seven Principles of Public Life promulgated by the Nolan Committee, which include:
       1. **Selflessness** – individuals should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends;
       2. **Integrity** – individuals should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties;
       3. **Objectivity** – in carrying out public business, including making public appointments, awarding contracts, or recommending Individuals for rewards and benefits, ICB employees should make choices on merit;
       4. **Accountability** – individuals are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office;
       5. **Openness** – individuals should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands;
       6. **Honesty** – individuals have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest; and
       7. **Leadership** – individuals should promote and support these principles by leadership and example.

1. Implementing the Guiding Principles

Gifts, hospitality, sponsored events and sponsorship

* + 1. Gifts
       1. *Overarching Principles*
          1. Gifts should not be accepted that may affect, or be seen to affect their professional judgement. This overarching principle should apply in all circumstances; and
          2. any monetary gift or cash equivalents (e.g. vouchers, tokens, offers of remuneration to attend meetings whilst in a capacity working for or representing the ICB) must always be declined, whatever their value and whatever their source, and the offer which has been declined must be declared to the Corporate Governance Manager, who has designated responsibility for maintaining the register of gifts and hospitality and recorded on the register.
       2. *Gifts from suppliers or contractors*

All gifts of any nature offered to individuals by suppliers or contractors doing business (or likely to do business) with the ICB should be declined, whatever their value (subject to this, low cost branded promotional aids may be accepted and not declared where they are under the value of a common industry standard of £6). The Individual to whom the gifts were offered should also declare the offer to the Corporate Governance Manager so the offer which has been declined can be recorded on the register.

* + - 1. *Gifts from other sources*
         1. Gifts offered from other sources should also be declined if accepting them might give rise to perceptions of bias or favouritism, and a common sense approach should be adopted as to whether or not this is the case. The only exceptions to the presumption to decline gifts relates to items of little financial value (i.e. less than £50) such as diaries, calendars, stationery and other gifts acquired from meetings, events or conferences, and items such as flowers and small tokens of appreciation from members of the public to individuals for work well done. Gifts of this nature may be accepted and do not need to be declared, nor recorded on the register.
         2. Gifts valued at over £50 should be treated with caution and only be accepted on behalf of the ICB, not in a personal capacity. These should be declared and a clear reason as to why it was considered permissible to accept the gift should be provided, alongside the actual or estimated value.
         3. A common sense approach should be applied to the valuing of gifts (using an actual amount, if known, or an estimate that a reasonable person would make as to its value).
         4. Multiple gifts from the same source over a 12 month period should be treated in the same way as single gifts over £50, where the cumulative value exceeds £50.
    1. Hospitality
       1. *Overarching principles*
          1. Individuals should not ask for or accept hospitality that may affect, or be seen to affect, their personal judgement.
          2. A blanket ban on accepting or providing hospitality is neither practical nor desirable from a business point of view. However, Individuals should be able to demonstrate that the acceptance or provision of hospitality would benefit the NHS or ICB.
          3. Modest hospitality provided in normal and reasonable circumstances may be acceptable, although it should be on a similar scale to that which the ICB might offer in similar circumstances (e.g. tea, coffee, light refreshments at meetings). A common sense approach should be adopted as to whether hospitality offered is modest or not.
          4. When hospitality is offered by actual or potential suppliers or contractors, these can be accepted if modest and reasonable, but Individuals should always obtain senior approval and declare these.
       2. *Meals and refreshments*
          1. Under a value of £25 may be accepted and need not be declared.
          2. Of a value between £25 and £75 may be accepted and must be declared.
          3. Over a value of £75 should be refused unless (in exceptional circumstances) senior approval is given. A clear reason should be recorded on the Gifts and Hospitality Register as to why it was permissible to accept.

A common sense approach should be applied to the valuing of meals and refreshments (using an actual amount, if known, or an estimate that a reasonable person would make as to its value).

* + - 1. *Travel and accommodation*
         1. Modest offers to pay some or all of the travel and accommodation costs related to attendance at events may be accepted and must be declared.
         2. Offers which go beyond modest, or are of a type that the ICB itself might not usually offer, need approval by senior members of the ICB, should only be accepted in exceptional circumstances and must be declared. A clear reason should be recorded on the Gifts and Hospitality Register as to why it was permissible to accept travel and accommodation of this type.
  1. **Sponsorship**
     1. Sponsored events
        1. Sponsorship of NHS events by external parties is valued. Offers to meet some or part of the costs of running an event secures the ICB’s ability to take place, benefiting staff and patients. However, there is potential for conflicts of interest between the ICB and sponsor, particularly regarding the ability to market commercial products or services.
        2. When sponsorships are offered, the following principles must be adhered to:
           1. sponsorship of ICB events by appropriate external bodies should only be approved if a reasonable person would conclude that the event will result in clear benefit for the ICB and the NHS;
           2. during dealings with sponsors there must be no breach of patient or individual confidentiality or data protection rules and legislation;
           3. no information should be supplied to the sponsor from which they could gain a commercial advantage, and information which is not in the public domain should not normally be supplied;
           4. at the ICB’s discretion, sponsors or their representatives may attend or take part in the event but they should not have a dominant influence over the content or the main purpose of the event;
           5. the involvement of a sponsor in an event should always be clearly identified in the interest of transparency;
           6. sponsorship does not equate to endorsement of a company or its products and this should be made visibly clear on any promotional or other materials relating to the event; and
           7. Individuals should declare their involvement with arranging sponsored events for the ICB.
     2. Sponsored Research

Research is vital in helping the NHS to transform services and improve outcomes. Without sponsorship of research some beneficial projects might not happen. More broadly, partnerships between the NHS and external bodies on research are important for driving innovation and sharing best practice. However, there is potential for conflicts of interest to occur, particularly when research funding by external bodies does or could lead to a real or perceived commercial advantage. There needs to be transparency and any conflicts of interest should be well managed. The following principles must therefore be adhered to:

* + - 1. funding sources for research must be transparent;
      2. any proposed research must go through the Derbyshire Research Forum;
      3. there must be a written protocol and written contract between Individuals, the ICB, and/or institutes at which the study will take place and the sponsoring organisation, which specifies the nature of the services to be provided and the payment for those services;
      4. the study must not constitute an inducement to prescribe, supply, administer, recommend, buy or sell any medicine, medical device, equipment or service;
      5. Individuals should declare involvement with sponsored research to their organisation.
    1. Management of Gifts & Hospitality

Gifts, Hospitality, Events and Sponsorship will be declared using a Gifts and Hospitality Form, which can be found on the ICB's intranet. Upon receipt of these forms, the ICB will maintain a Gifts and Hospitality Register, which will be published on the ICB's website. Please see the ICB's Gifts and Hospitality Policy for more details.

Conflicts of Interest

Conflicts of interest can arise in many situations, environments and forms of commissioning, with an increased risk in primary care commissioning, out-of-hours commissioning and involvement with integrated care organisations and new care models, as individuals may here find themselves in a position of being both commissioner and provider of services. Conflicts of interest can arise throughout the whole commissioning cycle from needs assessment, to procurement exercises, to contract monitoring.

* + 1. Types of interests
       1. A conflict of interest may be:
          1. **actual**there is a material conflicts between one or more interests;
          2. **potential** – there is the possibility of a material conflict between one or more interest in the future.
       2. Staff may hold interests for which they cannot see any potential conflict. However, caution is always advisable because others may see it differently. It will be important to exercise judgement and to declare such interests where there is otherwise a risk of imputation of improper conduct.
       3. 'Interests' can arise in a number of different contexts. A material interest is one which a reasonable person would take into account when making a decision regarding the use of taxpayers' money because the interest has relevance to that decision. A benefit may arise from the making of a gain or the avoidance of a loss.
       4. Interests can be captured in four different categories:
          1. financial interests;
          2. non-financial professional interests;
          3. non-financial personal interests;
          4. indirect interests.

Please see the ICB's Managing Conflicts of Interest Policy for more details on the types of interests above.

* + 1. Managing a conflict of interest
       1. The ICB will make arrangements to ensure conflicts of interests are declared as soon as possible, and in any event within 28 days. The Declarations of Interest Form is available on the ICB's intranet. Upon receipt of these forms, the ICB will update and maintain a declarations of interests register, which will be published on the ICB's website.
       2. Other opportunities to make declarations include:
          1. on appointment, of which they must complete and return their form within 28 days of starting their new role;
          2. six-monthly;
          3. at meetings;
          4. on changing role, responsibility or circumstances.
       3. Further, it should be noted that:
          1. the possibility of the perception of wrongdoing, impaired judgement or undue influence shall also be considered a conflict of interest for the purposes of this policy and should be declared and managed accordingly;
          2. where there is doubt as to whether a conflict of interest exists, it should be assumed that there is a conflict of interest and declared and managed accordingly; and
          3. for a conflict to exist, financial gain is not necessary.
       4. There may be occasions where staff declare an interest but upon closer consideration it is clear that this is not material and so does not give rise to the risk of a conflict of interest. The Head of Governance and Corporate Governance Manager will decide whether it is necessary to transfer such declarations to the ICB's register(s) of interests.
       5. Where an Individual has any queries with respect to conflicts of interest they should seek advice from the [Head of Governance] or [Corporate Governance Manager].

Procurement

* + 1. Fair and open competition between prospective contractors or suppliers for ICB contracts is a requirement of the ICB Standing Orders and ICB Procurement Policy. This means that:
       1. no private, public or voluntary organisation or company which may bid for ICB business should be given any advantage over its competitors, such as advance notice of ICB requirements. This applies to all potential contractors, whether or not there is a relationship between them and the ICB, such as a long-running series of previous contracts;
       2. each new contract should be awarded solely on merit, taking into account the requirements of the ICB and the ability of the contractors to fulfil them.
    2. To ensure the ICB commissions services fairly and transparently it complies with all procurement and competition law. The duty to treat all potential providers equally. This could include engagement with providers on service design to ensure service specifications have not been designed to exclude certain providers and the deadline for tender submissions has not been set to favour certain providers.
    3. the ICB will ensure that no special favour is shown to current or former employees or their close relatives or associates in awarding contracts to private or other businesses run by them or employing them in a senior or relevant managerial capacity. Contracts may be awarded to such businesses where they are won in fair competition against other tenders, but scrupulous care must be taken to ensure that the selection process is conducted impartially, and that individuals who are known to have a relevant interest play no part in the selection.

Contracting

Individuals who are in contact with suppliers and contractors, especially those who are authorised to sign purchase orders or procure contracts for goods materials or services, must adhere to the ICB's Scheme of Reservations and Delegation, and Standing Financial Instructions.

Secondary Employment

* + 1. Individuals should not engage in any secondary employment which could have a bearing on their ability to perform their normal contractual obligations or which may involve the use of any confidential or commercial information obtained in the course of their employment with the ICB.
    2. This does not mean that individuals cannot work outside the ICB, but anyone who thinks that they are risking a conflict of interest in this area should inform their line manager in writing. Secondary employment should only ever be undertaken in line with the provisions of the ICB's Secondary Employment Policy.
    3. Individuals must not engage in any secondary employment during periods of sickness absence from the ICB whether self-certified or covered by a Doctors fit note. Failure to comply with these requirements could lead to disciplinary action or criminal prosecution. Please see the ICB's Your Attendance Matters Policy for full details.

Preferential Treatment in Private Transactions

Individuals must not seek out or accept preferential rates, or benefits in kind, for private transactions carried out with companies with which they have had, or may have, official dealings on behalf of the ICB.

Private Use of Equipment and Materials

Individuals must obtain prior permission from their line manager before making private use of the ICB's ICT equipment, telephones, photocopy facilities or any other ICB equipment and materials.

Relatives of Directors or Officers

* + 1. Candidates for any appointment shall, when making application, disclose in writing whether they are related to any director or the holder of any office under the ICB. Failure to disclose such a relationship shall disqualify a candidate and, if appointed, render him/her liable to instant dismissal. Similarly, recruiting managers shall disclose any relationship with a candidate to HR.
    2. Senior Managers and Executive Directors shall disclose any relationship with a candidate and it shall be the duty of the Chief Executive Officer to report to the ICB Board any such disclosure.
    3. On appointment, Directors (and prior to acceptance of an appointment in the case of Executive Directors) should disclose to the ICB whether they are related to any other Director. Where the relationship of an officer or another Director to a Director of the ICB is disclosed, the ICB's Close Personal Relationships Policy shall apply.

1. Confidentiality
   1. As a public body, the ICB recognises the need for openness. However, this should not be confused with a breach of confidentiality and all ICB employees have a duty to maintain confidentiality of information at all times. A breach of confidentiality is a potentially serious disciplinary offence that could result in dismissal.
   2. Individuals should be particularly careful of using, or making public, confidential internal information of a commercial nature, regardless of whether or not disclosure is prompted by the expectation of personal gain.
   3. If there is in any doubt about any information that can be made publicly available advice should be sought from the employee's line manager.
2. Raising Concerns
   1. The ICB takes any wrongdoing in the workplace very seriously. If, at any time, employees know of, or suspect, any wrong-doing in the workplace they must report the matter immediately to the relevant individuals referenced in paragraph 5.1.4 so that the ICB can take steps to deal with it appropriately. If an employee has a genuine concern they should report it straight away.
   2. The ICB is aware that employees may not want to come forward with their concerns because they feel that speaking out would be disloyal to their colleagues. They may also be worried that they will be victimised or harassed or penalised in some other way. They may be tempted to ignore their concerns rather than report something that may only be a suspicion. The ICB has therefore drawn up a Raising Concerns at Work (Whistleblowing) Policy, which can be found on the ICB's intranet.
   3. Concerns may also be raised with the ICB's Freedom to Speak Up Ambassadors or the Freedom to Speak Up Guardian. The purpose of this important role is to act as an independent and impartial source of advice to staff at any stage of raising a concern. Freedom to Speak Up Ambassadors are ICB employees who support the Freedom to Speak Up Guardian in their role to listen to staff and signpost to appropriate support and advice at any stage of raising a concern.
   4. Of course, the ICB also wants to make it clear that, while the ICB will provide safeguards for employees when they raise genuine concerns, any spurious or vexatious allegations, particularly where they cause difficulties for innocent colleagues, may lead to disciplinary action being taken against them in line with the ICB's Disciplinary Policy.
3. Policy Monitoring and Review

This policy will be monitored and subject to review no later than two years from the date of the last review or in the event of further legislation or national guidance issued.

1. Equality Impact Statement
   1. The ICB aims to design and implement policy documents that meet the diverse needs of its services, population and workforce, ensuring that none are placed at a disadvantage over others. It takes into account current UK legislative requirements, including the Equality Act 2010 and the Human Rights Act 1998, and promotes equal opportunities for all. This document has been designed to ensure that no-one receives less favourable treatment due to their protected characteristics of their age, disability, sex (gender), gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy and maternity. Appropriate consideration has also been given to gender identity, socio-economic status, immigration status and the principles of the Human Rights Act.
   2. In carrying out its function, the ICB must have due regard to the Public Sector Equality Duty (PSED). This applies to all activities for which the ICB is responsible, including policy development, review and implementation.
2. Due Regard
   1. In carrying out its function, the ICB must have due regard to the Public Sector Equality Duty. This applies to all activities for which the ICB is responsible, including policy development, review and implementation.
   2. This policy has been reviewed in relation to having due regard to the Public Sector Equality Duty of the Equality Act 2010 to: eliminate discrimination, harassment and victimisation; to advance equality of opportunity; and foster good relations between the protected groups.
3. References

This policy should be read in conjunction with the following ICB documentation:

* Constitution
* Standing Financial Instruction
* Standing Orders
* Fraud, Corruption and Bribery Policy
* Gifts, Hospitality & Sponsorship Policy
* Procurement Policy
* Managing Conflicts of Interest Policy
* Raising Concerns at Work (Whistleblowing) Policy
* Secondary Employment Policy
* Your Attendance Matters Policy
* Close Personal Relationships Policy
* Disciplinary Policy, and

with the following national documentation:

* The Bribery Act 2010 (Ministry of Justice April 2010)
* Criminal Finances Act 2017
* The Fraud Act 2006
* NHS Code of Conduct (2004)
* Public Interest Disclosure Act 1998
* Health Care Services (Provider Selection Regime) Regulations 2023
* Equality Act 2010
* Human Rights Act 1998

Appendix 1 – Summary of Responsibilities relating to standards of Business Conduct

It is important that you read and understand your responsibilities as summarised below. If you are uncertain or require explanation of any point stated then you should seek advice from your line manager.

**Individuals must:**

* make sure you understand your responsibilities on standards of business conduct and consult your manager, professional body or trades union representative if you are uncertain;
* make sure you are not placed in a position which risks, or appears to risk, conflict between your private interests and your ICB employment;
* declare all interests to your line manager where you or a close relative or associate, has a controlling and/or significant financial interest in a business or any other activity or pursuit that may compete for a NHS contract to supply either goods or services to the ICB; and
* declare all hospitality, including hospitality offered as part of an education programme, unless it is considered as modest as described in paragraph 8 of this document.

**If in doubt, ask yourself:**

* Am I, or might I be, in a position where I (or my family/friends) could gain from the connection between my private interests and my employment?
* Do I have access to information that could influence purchasing decisions?
* Could my outside interests be in any way detrimental to the NHS or to patients' interests?
* Do I have any other reason to think I may be risking a conflict of interest?

**If still unsure – declare it!**

* Adhere to the ICB's Procurement Policy if you are involved in any way with the acquisition of goods and services (a copy of which is available from your line manager.)
* Seek permission before taking on outside work, if there is any question of this adversely affecting your ICB duties in any way.
* Obtain permission before accepting any commercial sponsorship.

**You must not:**

* accept any gifts, inducements or inappropriate hospitality;
* abuse your past or present official position to obtain preferential rates for private transactions/deals with companies with which you have had, or may have, official dealings on behalf of the ICB;
* unfairly advantage one competitor over another or show favouritism in awarding contracts;
* staff must not work for outside employers when on sickness absence from the ICB whether self-certified or under a fit note issued by your own GP.

1. NHS Code of Conduct: Code of Accountability in the NHS: Appointments Commission/Department of Health – 2nd Rev: 2004 <https://www.nhsbsa.nhs.uk/sites/default/files/2017-02/Sect_1_-_D_-_Codes_of_Conduct_Acc.pdf> [↑](#footnote-ref-1)